

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TAI SENG ENTERTAINMENT etc.

Plaintiff,

DECISION AND ORDER

- v -

CV-04-2746 (ARR)(VP)

ON KAM MOI, et al.,

Defendants.

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By letter dated August 3, 2005, the defendants have moved to compel discovery sought by a number of document requests and interrogatories to which the plaintiff has objected. By letter dated August 8, 2005, the plaintiff asserts that most of the disputed issues have been resolved by counsel and addresses only the unresolved issues. As the defendants have not disputed that assertion, this decision addresses only the open issues.

As to detailed financial information, because the plaintiff is not seeking lost profits, but only the license fees to which it contends it is entitled, information about the financial matters about which the defendants seek discovery is irrelevant and need not be produced. As to information about all other litigation in which the plaintiff has been involved, the defendants assert that this will enable them to establish the plaintiff's custom and practice of doing business without signed contracts. It escapes the court how a request for information about all other litigation is *reasonably* calculated to provide such information. More importantly, however, the court fails to understand how the plaintiff's custom and practice of doing business without signed contracts has

any relevance to the issues in this case. The question here is whether contracts, signed or unsigned, were in effect between the parties and if so the terms of those contracts, issues which are not particularly likely to be elucidated by information about the plaintiff's custom and practice concerning unsigned contracts. Finally, the names of all officers and directors of the plaintiff, regardless of whether they know anything about this matter, does not appear to the court to be likely to lead to admissible evidence.

Accordingly, the defendants' motion to compel is denied.

SO ORDERED:

Viktor V. Pohorelsky
VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
 August 25, 2005